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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	10/527,029
Filing Date	August 10, 2005
First Named Inventor	Jung Eun Seo
Art Unit	3765
Examiner Name	Gloria M. Hale
Attorney Docket Number	YPL-PT020

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	Robert J. Ballarini		
Date	8/14/06	Reg. No.	48,684

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert J. Ballarini	Date	8/14/06

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Jung Eun Seo

Application No.: 10/527,029

Confirmation No.: 5462

Filed: August 10, 2005

For: PROTECTION GEAR AGAINST
HARMFUL INSECTS

Group: 3765

Examiner: Gloria M. Hale

Our File: YPL-PT020

Date: August 14, 2006

REPLY PURSUANT TO 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being timely filed in response to the Office Action dated July 13,
2006.

ELECTION/RESTRICTION

In the Action, the application was restricted into the following species:

Species I - of a face covering mask classified in class 2, subclass 171

Species II - of a head covering classified in class 2, subclass 171

Species III - of a trunk, pant garment classified in class 2, subclass 227

Species IV - of an arm covering classified in class 2, subclass 59

Species V - of a glove classified in class 2, subclass 159;

And shoes classified in class 36..

The Action specifically stated that:

Inventions I and II-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as covering a separate body location without the use of the other garments. See MPEP § 806.05(d)

Inventions I and II - V are related as products which share an alleged common utility of being body garments but the common utility is not linked to a substantial structural feature. The products in this relationship are distinct if either or both of the following can be shown: (1) that the products encompass embodiments that are not required to perform the common utility or (2) that the products as claimed can be used to perform another utility. In this case, they cover different body areas and perform a different utility in that they have the utility of covering different body locations.

Applicant respectfully disagrees and traverses the election requirement. The claimed invention is protection gear against harmful insects comprising: a

Applicant: Jung Eun Seo
Application No.: 10/527,029

protection net made of a ventilative cloth to cover at least one of a face, a head, a trunk, arms, legs, and feet of a human body, the protection net being coated with at least one of an insecticide and an insect repellent using a binder; and a fastener for fastening the protection net to the human body.

Since all of the alleged species are within the same classification, namely class 2, there exists no serious burden in examining all of the claims together. These so-called "species" are all found in the main claim.

Species III corresponding to claims 1 - 5 is provisionally elected with traverse should no generic claim be found allowable. Claim 1 is believed to be generic to the extent that it contains a Markush group of the different portions of the body that can be covered by the protection net of the protective gear of the invention. Furthermore, since all of the claims depend either directly or indirectly from claim 1, all claims should be included.

Respectfully submitted,

Jung Eun Seo

By 

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